

**COMMISSION MEETING****7:00 P.M.****JUNE 15, 2016**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, June 15, 2016, in the City Commission Meeting Room with Mayor Gilligan presiding and Commissioners Geitz, Giefer, and Harmon and present . Commissioner Mlynar was absent. Also present were City Manager McAnarney, Assistant City Manager Witt, City Clerk Sull and City Attorney Montgomery.

**MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS**

This is the time for the Mayor and City Commissioners to make comments and reports to the public.

Mayor Gilligan reviewed general information for the month of May for the community which included monthly sales tax receipts, building permits and information.

**The following is general information for the month of May for the community:****1. Monthly Local Retail Sales Tax Receipts Update**

2015	2016	Increase of \$31,887.86 for the month, and
\$384,947.48	\$416,835.34	Overall increase of 2.06% from year 2015

**2. City Share from County Tax**

2015	2016	Increase of \$10,491.52 for month, and
\$191,636.07	\$202,127.59	Overall increase of 0.58% from year 2015

**3. Building Permits issued from 5/1/2016 to 5/31/2016 for new construction, remodeling, repairs and demolition.**

Total number of building permits issued through Code Services:	41
Total of valuations associated with those building permits:	\$1,408,775.00
Total number of dollars collected for Building Permit Fees:	\$9,220.75

**Consent Agenda**

It was moved by Commissioner Geitz, seconded by Commissioner Harmon that the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Regular Meeting held on June 1, 2016.
- b. Consider ratification of Payroll Ordinance for period ending June 10, 2016.
- c. Consider Approval of May Budget.
- d. Consider Set Bid Time and Date for Liquid Oxygen Tank & Supply Contract.

The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer aye, and Mayor Gilligan, aye.

**CITY COMMISSION  
(Public Comment)**

Mayor Gilligan recognized the following employees as winners of the Above and Beyond Award. He stated this is a quarterly award given to employees that are nominated by their peers for special recognition of their valuable contribution to the City. He then presented the winners as follows:

Tina Weeks - Public Works  
Aric Kenyon - IT  
Brad Hinderliter - IT

**CITY COMMISSION  
(Emporia Pavilions Creation of Community Improvement District - CID)  
(Public Hearing)**

Jim Witt, Assistant City Manager, was recognized and addressed the Governing Body. He stated as required by Kansas Law, the City is required to conduct a public hearing on the establishment of a Community Improvement District (CID) for the Emporia Pavilions Project. The cost of the Project is estimated to be \$36,836,951 with \$3,000,000 financed through CID revenues over the life of the district. The petitioners propose financing the eligible Project costs through pay-as-you-go financing. There will be a one-percent (1%) community improvement district sales tax on retail sales within the district to help finance the improvements.

Mayor Gilligan then declared the public hearing opened.

As no one wished to address the Governing Body, Mayor Gilligan then declared the public hearing closed.

**CITY COMMISSION  
(Emporia Pavilions Creation of Community Improvement District - CID)  
(Ordinance Number 16-16)**

AN ORDINANCE CREATING THE EMPORIA PAVILIONS COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF EMPORIA, KANSAS AND AUTHORIZING THE LEVY OF A

COMMUNITY IMPROVEMENT DISTRICT RETAILERS' SALES TAX TO BE COLLECTED WITHIN THE DISTRICT, to which the City Clerk assigned Ordinance Number 16-16, was presented to the Governing Body for their consideration.

Assistant City Manager Witt, was recognized and addressed the Governing Body. He stated this ordinance creates the Community Improvement District for Emporia Pavilions Project and set forth the legal requirements necessary to implement the CID through the Kansas Department of Revenue. He stated the ordinance was prepared by Mary Carson and City Staff and in conjunction with the attorneys for the Emporia Pavilions Project. This ordinance will also approve the development agreement which received approval of the CID ordinance being adopted at the April 20, 2016 Commission Meeting.

Following further discussion, Commissioner Geitz made a motion to approve Ordinance Number 16-16, an ordinance creating the Community Improvement District for Emporia Pavilions. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Mayor Gilligan aye; and Commissioner Harmon, nay.

**CITY COMMISSION**  
**(Adopt the 5 year Fiscal Plan)**

Janet Harrouff, Finance Director, was recognized and addressed the Governing Body. She stated this was the 2017 5-year fiscal plan for the City of Emporia. This is the third year of the comprehensive fiscal planning process and this plan as presented in previous study sessions and revised according to input and guidance from the Commission. This plan acts as the foundation for the preparation of the annual budget and has resulted in a more streamlined budget process that clearly defines expenses and revenues. She then briefly reviewed the plan. The formal 5-year planning document will be assembled by mid-August.

Following further discussion, Commissioner Geitz made a motion to adopt the 5-year Plan for 2017-2021. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye, and Mayor Gilligan, aye.

**CITY COMMISSION**  
**(Monitoring Wells at 100 Block of S. Commercial St. Cipra Oil Co.)**  
**(License Agreement)**

Jerry Menefee, City Engineer, was recognized and addressed the Governing Body. He stated this license agreement with Cipra Oil Company is for the purpose of locating two (2) monitoring wells within the right-of-way at the 100 block of S. Commercial St. Installation of the monitoring wells is the result of an agreement between Cipra Oil Company and the Kansas Department of Health and Environment to monitor subsurface water to discern whether there is any subsurface transmission of petroleum products in the vicinity of current fuel storage located in this area.

Commissioner Geitz made a motion authorizing the Mayor to sign the License Agreement for the placement of monitoring wells with Cipra Oil Company at the 100 block of S. Commercial St. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Harmon aye; and Mayor Gilligan, aye.

**CITY COMMISSION**  
**(Monitoring Wells at Corner of 12<sup>th</sup> Ave. & Merchant St.)**  
**(License Agreement)**

Jerry Menefee, City Engineer, was recognized and addressed the Governing Body. He stated this license agreement with CVS Pharmacy is for the purpose of locating four (4) monitoring wells within the right-of-way at the corner of 12<sup>th</sup> Avenue and Merchant Street. Installation of the monitoring wells is the result of an agreement between CVS Pharmacy and the Kansas Department of Health and Environment to monitor subsurface water to discern whether there is any subsurface transmission of petroleum products in the vicinity of former fuel storage area previously located at the same site as CVS Pharmacy.

Commissioner Harmon made a motion authorizing the Mayor to sign the License Agreement for the placement of monitoring wells at the corner of 12<sup>th</sup> Avenue and Merchant Street right-of-way. Commissioner Geitz seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Geitz aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

**STORM SEWER MAINTENANCE**  
**(Merchant St. Storm Drainage Improvements Project No. SW1503)**  
**(18<sup>th</sup> Ave. & Merchant St.)**  
**(Bids)**

Jerry Menefee, City Engineer, was recognized and addressed the Governing Body. He stated bids were received for the Merchant Street Storm Drainage Improvements Project No. SW1503. The bids are as follows:

<b>Contractor</b>	<b>Total Bid</b>
APAC-Kansas, Inc. Shear Division	\$322,194.25
Skillman Construction, LLC	\$303,027.10
Criqui Construction, Inc.	\$422,640.25
Mies Construction	\$439,595.00
<b>Rubick Construction, Inc.</b>	<b>\$234,819.87</b>
Engineer's Estimate	\$340,445.00

He stated this project is budgeted at \$325,000.00 out of the Bond Fund along with Emporia State University contribution of \$50,000.00 for their portion of the project. Staff is recommending awarding the project to Rubick Construction, Inc. for the low bid of \$234,819.87.

Commissioner Giefer made a motion awarding the bid for the Merchant Street Storm Drainage Improvements Project (18<sup>th</sup> Ave. & Merchant St) to Rubick Construction, Inc. for a total bid amount of \$234,819.87. Commissioner Harmon seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

**PLANNING AND DEVELOPMENT**  
**(MAPC Excerpts of Regular Meeting Held 2-23-16)**  
**(Application No. 2016-02 - Request of Frontier Farm Credit)**  
**(Annex 6.87 Acres Into City Limits Located at 1808 Rd G)**

**Excerpt of the February 23, 2016 Planning Commission Meeting minutes:**

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The Planning Commission met in regular session on Tuesday, February 23, 2016, with Chair Thomas presiding. Members Bucklinger, Fowler, Miller, Sauder, Springeman and Wade were present. Member Pontius was absent.

APPLICATION 2016-02. A request of Frontier Farm Credit, FLCA to annex 6.87 acres of land located at 1808 Rd G into the City of Emporia.

No ex parte communication was declared.

**Staff Report:** The applicant would like to annex their property to change zoning and to get access to city utilities. Water is available at 18th Street but sewer is not available. This would be an island annexation since it is not contiguous with the city limit line but the property is contiguous on the east by a property that has already been annexed into the city as an island. The applicant is proposing a business office to be constructed on the property and a zoning change to C-3, General Commercial District, is recommended. The proposed use is consistent with the comprehensive plan and Staff recommends approval as it is a normal extension of the community.

Member Bucklinger asked who would be responsible for the costs involved when getting the utilities to the property. Assistant City Manager Jim Will explained that the City would negotiate with the users, in regards to extending the sewer, whether it be a shared cost or to the development itself.

Member Wade asked if this will incur costs to others in the area. Secretary Foster replied that it would not incur costs to other owners in the area.

With no further discussion, the public hearing portion is opened.

**Public Hearing:** Josh Simpson, representing the Clark Enersen Partners, spoke on behalf of the applicant and asked if the Board had any questions regarding the requested annexation. There were no questions from the Board.

With no further comments, the public hearing portion was closed.

Member Sauder motioned to recommend the approval of annexation for 1808 Road G to the City Commission based upon Staff's recommendation and increasing the tax base. Member Springeman seconded. Motion approved 6-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this is a request from Frontier Farm Credit FLCA, to annex 6.87 acres of land located at 1808 Road G into the City of Emporia. He stated the applicant is requesting to annex into the city limits as an island for the purpose of connecting to public utilities. He stated allowing the annexation would be in the best interest to facilitate and promote investment and growth. He stated the County Commission has already passed a Resolution to approve the annexation of 1808 Road G and 18<sup>th</sup> Avenue from KTA to Road G. He stated at their February 23, 2016 regular meeting the Planning Commission voted unanimously to recommend approval of the application.

**PLANNING AND DEVELOPMENT**  
**(Application No. 2016-02 - Request of Frontier Farm Credit)**  
**(Annex 6.87 Acres Into City Limits Located at 1808 Rd G)**  
**(Ordinance Number 16-17)**

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF EMPORIA, KANSAS TO INCLUDE CERTAIN DESCRIBED LAND, to which the City Clerk assigned Ordinance Number 16-17, was presented to the Governing Body for their consideration.

Commissioner Harmon made a motion to approve Ordinance Number 16-17, an ordinance to annex 6.87 acres of land located at 1808 Road G into city limits. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

**PLANNING AND DEVELOPMENT**  
**(MAPC Excerpts of Regular Meeting Held 5-24-16)**  
**(Application No. 2016-06 - Request of Frontier Farm Credit)**  
**(Rezone Property Located at 1808 Rd G)**

**Excerpt of the May 24, 2016 Planning Commission Meeting minutes:**

The Planning Commission met in regular session on Tuesday, May 24, 2016, with Chair Thomas presiding. Members Bucklinger, Fowler, Miller, Pontius, Sauder, Springeman, Wade and Rech were

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present.

**APPLICATION 2016-06.** A request of the Frontier Farm Credit, FLCA to change the zoning status of 1808 Road G from A-L, Agricultural District to C-3, General Commercial District, as authorized by Article 26-1 of the Zoning Regulations.

Staff confirmed jurisdiction over this application.

No ex parte communication was declared.

**STAFF REPORT:** The applicant would like to rezone their property to change zoning from A-L, Agricultural Land to C-3 General Commercial District to allow for an office building at the location. The applicant is proposing a business office to be constructed on the property. C-3, General Commercial District is recommended. The proposed use is consistent with the comprehensive plan, as well as surrounding properties to the east and south (see aerial map).

At the February 23, 2016 Planning Commission meeting the applicant requested annexation into the city for the use of utilities. Staff recommends approval of the application as it is consistent with the Comprehensive Plan and surrounding properties.

Member Bucklinger asked if city utilities are available. Secretary Foster replied, water is available at W. 18th Avenue and sewer is not available but the applicant is considering a private septic system.

Being no further questions, the Public Hearing portion was opened.

**Public Hearing:**

Keith Beatty, Kaw Valley Engineering, 1104 E. 12th Ave., represented the applicant. Mr. Beatty did not have anything further to add to the staff report but offered to answer any questions from the Board.

Member Sauder asked if the applicants plan was the same as when they had requested annexation into the City. Mr. Beatty answered the plan had not changed.

Being no further comments, the Public Hearing portion was closed.

Member Bucklinger moved to approve Application 2016-06, to change the zoning status of 1808 Road G from A-L, Agricultural District to C-3, General Commercial District, based upon



consistency with the surrounding area and Staff's recommendation. Member Wade seconded. Motion approved 9-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this is a request of Frontier Farm Credit, FLCA to rezone 6.87 acres of land located at 1808 Road G from A-L, Agriculture use to C-3, General Commercial District. He stated the applicant requested a rezoning of their property to change zoning to allow for an office building at the location. He stated the proposed use is consistent with the comprehensive plan as well as the surrounding properties to the east and south. He stated at their May 24, 2016 regular meeting, the Planning Commission voted unanimously to recommend approval of the application based upon consistency with the surrounding area and Staff's recommendation.

**PLANNING AND DEVELOPMENT**  
**(Application No. 2016-06 - Request of Frontier Farm Credit)**  
**(Rezoning Property Located at 1808 Rd G)**  
**(Ordinance Number 16-18)**

AN ORDINANCE REZONING A CERTAIN AREA IN THE CITY OF EMPORIA, KANSAS FROM AL AGRICULTURE DISTRICT TO C3, GENERAL COMMERCIAL DISTRICT AND AMENDING THE DISTRICT ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 16-18, was presented to the Governing Body for their consideration.

Commissioner Geitz made a motion to approve Ordinance Number 16-18, an ordinance to rezone 6.87 acres of property located at 1808 Road G from AL Agriculture district to C3, General Commercial. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

**PLANNING AND DEVELOPMENT**  
**(MAPC Excerpts of Regular Meeting Held 5-24-16)**  
**(Application No. 2016-07 - Request of Burnham Basement)**  
**(Rezone Property Located at 309 State St.)**

**Excerpt of the May 24, 2016 Planning Commission Meeting minutes:**

The Planning Commission met in regular session on Tuesday, May 24, 2016, with Chair Thomas presiding. Members Bucklinger, Fowler, Miller, Pontius, Sauder, Springeman, Wade and Rech were present.

**APPLICATION 2016-07.** A request of the Burnham Basement and Foundation Repair Inc., to change the zoning status of 309 State Street from R-3, High Density Residential District to C-3, General Commercial District, as authorized by Article 26-1 of the Zoning Regulations.

Staff confirmed jurisdiction over this application.

No ex parte communication was declared.

Member Miller stated, he did not technically have a conflict of interest but to avoid the appearance of an impropriety, he recused himself from the hearing.

**Staff Report:**

The applicant would like to rezone their property to change zoning classification from R-3, High Density Residential to C-3, General Commercial District. The subject property formerly had a blighted single family housing the demolished in March of 2015. The property is adjacent to a right-of-way near the railroad tracks.

The rezoning of this property is challenging due to the fact that the Comprehensive Plan shows the area as R-3 High Density Residential. The uniqueness of the area, in combination of the commercial nature of neighboring properties gives this case some merit for consideration as to rezoning.

The stated uses of the applicant for the subject property would best work as a C-3 General Commercial District or a I-1 Light Industrial District. The applicant has reviewed the allowable uses of the C-3 district and has eliminated uses that would generate high traffic, noise, blight, or odors that could affect the neighboring properties.

Staff met with the applicant on April 11<sup>th</sup>, 2016, and discussed some of the challenges. The applicant reviewed the allowable uses of a C-3 General Commercial Area (Table 9-1, Section 9-

301), and of the 68 permitted uses only 1 will be required (retail sales).

The applicant is proposing to use the property for overflow parking and storage of building materials used for business purposes and plans to fence and landscape the property to meet all the zoning regulations and to keep the rapport with the neighbors.

The applicant understands that if the Planning Commission recommends approval of this application, there might be some limitations of uses as a C-3 General Commercial District. Staff recommends approval of the rezoning at 309 State Street from an R-1 to C-3 with conditions added that limit the uses of the subject property to: retail sales and retail services.

Adding supplemental requirements to this request could help protect the surrounding property, the neighborhood and the zoning jurisdiction now and in the future. By making the requirement more stringent it will protect the public health and safety of the community, as well as allow the applicant to use the subject property as they need.

Member Bucklinger asked if the proposed usage, storage, is it consistent with a retail sales zoning. Mr. Foster replied that it would be consistent with storage and the material that would be stored there, such as rock and gravel, would be used in the foundation repairs sold to consumers. Member Bucklinger asked if there would be restrictions on the type of material stored at the location. Mr. Foster replied there would be limitations.

Member Wade if there would be fencing required. Mr. Foster replied that a fence with at least 80% screening would be required.

Being no further questions, the Public Hearing portion was opened.

**Public Hearing:**

Max Burnham, 314 Neosho Street, addressed the Board. He explained, the materials used in their business would be stored on the lot but would not be used in a retail type setting. The lot would be fenced on 3 sides and there will not be access from State Street.

Member Wade asked the applicant if there were any future plans to have a structure on the lot. Mr. Burnham explained that he

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already owns other property in the surrounding area and he is not planning on adding anything to 309 State Street.

Being no further comments, the Public Hearing portion was closed.

Member Sauder voiced his concern regarding the type of allowable uses under the C3 zoning and asked if a CUP would be appropriate for this request. Mr. Foster did not think a CUP would be needed or work for the requested zoning change but he felt the Board could attach limitations to their motion if they chose to approve the zoning change. Member Bucklinger also spoke of the same concerns with future owners & the usage available with a C3 zoning.

Member Sauder moved to approve Application 2016-07, request to change 309 State St. from R-3, High Density Residential District to C-3, General Commercial, based upon Staff's recommendations with conditions added that limit the uses of the subject property to: retail sales and retail services. Member Springeman seconded. Motion approved 8-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this a request from Burnham Basement and Foundation Repair, Inc. to change the zoning status of 309 State Street from R-3, High Density Residential District to C-3, General Commercial District, as authorized by Article 26-1 of the Zoning Regulations. He stated the subject property formerly had a blighted single family housing which was demolished in March of 2015. The applicant is proposing to use the property for overflow parking and storage. The property will be fenced and landscaped to meet all of the zoning regulations. He stated at their May 24, 2016 regular meeting, the Planning Commission voted unanimously to recommend approval of the application based upon Staff's recommendations with conditions added that limit the uses of the property to retail sales and retail services.

**PLANNING AND DEVELOPMENT**  
**(Application No. 2016-07 - Request of Burnham Basement)**  
**(Rezone Property Located at 309 State St.)**  
**(Ordinance Number 16-19)**

AN ORDINANCE REZONING A CERTAIN AREA IN THE CITY OF EMPORIA, KANSAS FROM R3, HIGH DENSITY RESIDENTIAL DISTRICT TO C3, GENERAL COMMERCIAL DISTRICT AND AMENDING THE DISTRICT ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 16-19, was presented to the Governing Body for their consideration.

Commissioner Giefer made a motion to approve Ordinance Number 16-19, an ordinance to rezone property located at 309 State Street from R-3, High Density Residential District to C-3, General Commercial District, as

authorized by Article 2601 of the Zoning Regulations. Commissioner Harmon seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

**PLANNING AND DEVELOPMENT**  
**(MAPC Excerpts of Regular Meeting Held 5-24-16)**  
**(Application No. 2016-09 - Request of Thomas Corporation of Kansas)**  
**(Annex Property Located at 24 Prairie St. Into City Limits)**

**Excerpt of the Map 24, 2016 Planning Commission Meeting minutes:**

The Planning Commission met in regular session on Tuesday, May 24, 2016, with Chair Thomas presiding. Members Bucklinger, Fowler, Miller, Pontius, Sauder, Springeman, Wade and Rech were present.

**APPLICATION 2016-09.** A request of Thomas Corporation of Kansas to annex property at 24 S. Prairie Street into the City of Emporia.

Staff confirmed jurisdiction over this application.

No ex parte communication was declared.

**Staff Report:**

The applicant would like to annex their property to clean up boundary lines, and bring the remainder of the storage facility into the city limits. The applicant is proposing additional storage units to be constructed on the property. The proposed use is consistent with the comprehensive plan and this annexation is contiguous with the city limit line. The property was given a LOMA, a letter of map amendment from the Federal Emergency Management Agency, in 2010. Staff recommends approval since it is a normal extension of the community.

With no further discussion, the public hearing portion is opened.

With no further discussion, the public hearing portion is closed.

Member Sauder moved to approve Application 2016-09, to annex property at 24 S. Prairie St. into the City of Emporia, based

upon Staff recommendation. Member Pontius seconded. Motion approved 9-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this was a request of Thomas Corporation of Kansas to annex property at 24 S. Prairie Street into the City of Emporia. He stated the applicant is requesting to annex a portion of the property. This property is contiguous with the City. The annexation will clean up boundary lines and bring the remainder of the storage facility into the city limits. The property was given a LOMA, a letter of map amendment from the Federal Emergency Management Agency, in 2010. Staff recommends approval since it is consistent with the comprehensive plan and a normal extension of the community. At their May 24, 2016 regular meeting, the Planning Commission voted unanimously to approve the annexation of 24 S. Prairie Street into City of Emporia.

**PLANNING AND DEVELOPMENT**

**(Application No. 2016-09 - Request of Thomas Corporation of Kansas)  
(Annex Property Located at 24 Prairie St. Into City Limits)  
(Ordinance Number 16-20)**

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF EMPORIA, KANSAS TO INCLUDE CERTAIN DESCRIBED LAND, to which the City Clerk assigned Ordinance Number 16-20, was presented to the Governing Body for their consideration.

Commissioner Geitz made a motion to approve Ordinance Number 16-20, an ordinance to annex property at 24 S. Prairie Street into the City of Emporia. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

**PLANNING AND DEVELOPMENT**

**(MAPC Excerpts of Regular Meeting Held 5-24-16)  
(Application No. 2016-10 - Request of Mid-Kansas Properties, LLC.  
(Rezone Property Located on 30<sup>th</sup> Avenue)  
(Between Hidden Lakes and Crestview 6<sup>th</sup> Addn.)**

**Excerpt of the May 24, 2016 Planning Commission Meeting:**

The Planning Commission met in regular session on Tuesday, May

24, 2016, with Chair Thomas presiding. Members Bucklinger, Fowler, Miller, Pontius, Sauder, Springeman, Wade and Rech were present.

**Application 2016-10.** A request of Mid-Kansas Properties, LLC, Stephen L. Sauder, to change the zoning status of a portion of the property approximately located on W. 30th Ave., between Hidden Lakes and Crestview Six subdivisions, from R3, High Density Residential District to R1, Low Density Residential District, as authorized by Article 26-1 of the Zoning Regulations. Additionally, the applicant is also requesting a Preliminary Subdivisions Platt as authorized by Article 6-201 of the Subdivision Regulations.

Staff confirmed jurisdiction over this application.

No ex parte communication was declared.

Member Sauder recused himself since he is one of the applicants.

**Staff Report:**

**1- Preliminary Plat Application:**

The application for the Preliminary Plat would make the proposed parcels useable and consistent with other properties in the area. The Zoning Department had multiple meetings with the applicant and the BG Consultants to discuss this project. Additionally, the Utility Advisory Board met May 11, 2016, and approved the plat with the shown easements and setbacks.

The Plat consists of 59 buildable lots for single family dwelling (as part of 3 phases). The lot sizes range from 9,283 sq ft (lot 22) to 28,563 sq ft (lot 43). Rollback curb and cutter is proposed as well as sidewalks on one side of each street.

For Phase 1, Utility Easements (UE) boarder the west side on Lots 1 through 12 and also include a Pedestrian Easement (PE) on Lots 5,6,9,11. There is also a Pedestrian Easement between Lots 2 and 3, and 5 and 6, and Lots 9 and 10 have a UE between them but not a PE.

A Westar Easement runs through a portion of the development as shown of the site plan. The Easement borders Lots 59 to 55, Lots 39-34, and Lots 29-31. There is currently an existing 12" raw waterline that is being proposed to be moved within the Westar Easement.

Section 4-501.c. of the Subdivision Regulations states the following concerning drainage easements:

Drainage Easements. If a subdivision is traversed by a watercourse, drainage way or channel then a storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of the natural watercourse and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage and for access for maintenance thereof. Parallel streets or parkways may be required in connection therewith. The engineer having jurisdiction shall make a study and report his or her recommendation to the Planning Commission as to the desired width of such easement. Such study and report shall be based on the one hundred year flood depth (if known). Maintenance of storm water easements and drainage right-of way shall be the responsibility of the owners of property adjoining such easements or right-of-way.

It is Staffs understanding that there will be an agreement between the HOA's and property owners for use of surrounding detention areas.

## **2. Rezoning Application**

Changing the zoning from an R-3 to a R-1 would be consistent with surrounding uses, and compatible with the proposed future use of the Comprehensive Plan. Staff recommends approval of the Preliminary Plat to subdivide the property and conform to the Subdivision Regulations Section 6-301. Staff also recommends approval for the zoning change for an R-3 to a R-1, as it is a consistent use with neighboring properties. Staff recommends approval of the Rezoning Application, as it will encourage housing that is consistent with surrounding properties and it is compatible with the proposed future use of the Comprehensive Plan.

With no further discussion, the public hearing portion is opened.

Jamie Sauder, 2407 Twin Lakes Dr., spoke on behalf of the applicant. Mr. Sauder, a real estate agent, has been working on this project for over 2 years. The project was driven by a severe housing shortage, not just in this community but nationwide, and has exhausted buildable lots. Mr. Sauder gave a scenario of the city attracting a large employer to the area only to lose out to the possibility due to limited available housing.

Mr. Sauder explained that they have worked to design the lots to have a wider appeal, such as larger lot sizes, which would



hopefully avoid the need to come before the Board of Zoning Appeals for any variances.

With no further discussion, the public hearing portion is closed.

Member Miller moved to approve Application 2016-10, to change a portion of the property located on W. 30th Avenue, between Hidden Lakes and Crestview Six subdivisions from R-3, High Density Residential to R-1, Low Density Residential and the request of a Subdivision Plat, based upon Staff recommendation and it appears to be in the best interest of the community. Member Wade seconded. Motion approved 8-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this is a request of Mid-Kansas Properties, LLC, Stephen L. Sauder, to change the zoning status of a portion of the property approximately located on 30<sup>th</sup> Avenue between Hidden Lakes and Crestview 6<sup>th</sup> Subdivision, from R3, High Density Residential District to R1, Low Density Residential District, as authorized by Article 26-1 of the Zoning Regulations. He stated the subject properties consist of 26 acres to allow for single family homes that will be consistent with the area and the comprehensive plan. At their May 24, 2016 regular meeting, the Planning Commission voted unanimously to approve the application as it will encourage housing that is consistent with surrounding properties and it is compatible with the proposed future use of the Comprehensive Plan.

**PLANNING AND DEVELOPMENT**

**(Application No. 2016-10 - Request of Mid-Kansas Properties, LLC.  
(Rezone Property Located on 30<sup>th</sup> Avenue)  
(Between Hidden Lakes and Crestview 6<sup>th</sup> Addn.)  
(Ordinance Number 16-21)**

AN ORDINANCE REZONING A CERTAIN AREA IN THE CITY OF EMPORIA, KANSAS FROM R3, HIGH DENSITY RESIDENTIAL DISTRICT TO R1, LOW DENSITY RESIDENTIAL DISTRICT AND AMENDING THE DISTRICT ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 16-21, was presented to the Governing Body for their consideration.

Commissioner Harmon made a motion to approve Ordinance Number 16-21, an ordinance rezoning a certain area in the City of Emporia, Kansas from

R3, High Density Residential District to R1, Low Density Residential District and amending the District Zoning Map to conform with said zoning. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

**CITY COMMISSION**  
**(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public information that may be of a general interest. The following information was presented at the meeting:

**TENTATIVE AGENDA FOR JUNE 29<sup>TH</sup> STUDY SESSION**

1. Discuss CAFR
2. Review NON-Personnel Funds

***Joint Luncheon w/Library Board***

**CITY COMMISSION**  
**(Adjourn Meeting for Public Hearing)**

City Manager McAnarney stated the City Commission would need to delegate authority to conduct a PMI public hearing related to Presbyterian Manor to the City Clerk to be held on June 22, 2016 at 10:00 a.m.

Commissioner Geitz made a motion delegating authority to conduct a public hearing relating to Presbyterian Manor to the City Clerk to be held on June 22, 2016 at 10:00 a.m. Commissioner Giefer seconded the motion. The vote follows; Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Harmon, aye; and Mayor Gilligan, aye.

Commissioner Geitz then made a motion to adjourn. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye;

Commissioner Giefer, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

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Robert F. Gilligan, Mayor

ATTEST:

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Kerry Sull, City Clerk